

Remarks

The Office Action is discussed in detail below.

Paragraph Numbers provided below correspond to the
5 paragraph numbers of the Office Action.

Claim Rejections 35 USC 103Paragraph 3 of Office Action

Claims 38, 41, 42, 45, 46, and 53-57 are rejected
10 under 35 USC 103(a) as being unpatentable over Tamezane et
(US 6,187,473) in view of Yang et al (US 6,461,762).

Claim 38 recites:

An electrochemical cell, comprising:

15 an electrode stack including a positive electrode
disposed between a first and a second negative electrode,
said electrode stack folded in a zigzag configuration with
folds and creases; and
an aqueous alkaline electrolyte,
20 wherein said positive electrode comprises a nickel
hydroxide material and/or said negative electrodes comprise
a hydrogen storage alloy.

Claim 53 recites:

25 An electrochemical cell, comprising:
an electrode stack including a negative electrode
disposed between a first and a second positive electrode,
said electrode stack folded in a zigzag configuration with
folds and creases; and
30 an aqueous alkaline electrolyte,

wherein said positive electrodes comprise a nickel hydroxide material and/or said negative electrode comprises a hydrogen storage alloy.

5 Tamezane (US 6,187,473) is directed to a cylindrical nickel metal alkaline storage battery including a cylindrical casing and a pair of opposed electrodes spirally rolled up through a separator and coupled within said cylindrical casing. Tamezane provides no teaching or
10 suggestion of rectangular batteries. In particular, Tamezane provides no teaching or suggestion of rectangular batteries having an electrode stack folded in a zigzag configuration.

Yang is directed to a rectangular battery
15 incorporating an electrode stack of sequentially folded cells. Yang suggests that a rectangular battery with a folded electrode configuration may have smaller dead volume and increased energy density than a rectangular battery with a spiral coil electrode configuration (see Yang,
20 column 1, lines 25-35). However, Yang provides no teaching, suggestion or motivation of replacing the cylindrical spiral wound battery of Tamezane with a rectangular battery having a sequentially folded electrode design.

25 In addition, Yang is directed to a lithium ion secondary battery using an organic (non-aqueous) electrolyte (col.2, lines 28-32). Yang provides no teaching, suggestion or motivation that the lithium ion chemistry may be replaced with a nickel metal hydride
30 battery chemistry (which uses an aqueous alkaline electrolyte) for the particular sequentially folded electrode design disclosed.

In order for references to be properly combined there must be some suggestion or motivation to combine reference teachings. As noted, Tamezane is directed to a nickel metal hydride cylindrical battery using a spirally wound electrode stack. Yang is directed to a lithium ion rectangular battery using a sequentially folded electrode stack. Neither reference provides any teaching, suggestion or motivation that the references be combined. Hence, the combination is improper. The rejection of independent claim 38 (and dependent claims 41, 42, 45, 46) as well as independent claim 53 (and dependent claims 54-57) under 35 USC 103(a) as being unpatentable over Tamezane in view of Yang is improper and applicant request it be removed.

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Claims 24, 27, 28, 31-33, and 47-52 are rejected under 35 USC 103(a) as being unpatentable over Fauvargue (US 5,569,559) in view of Shackle (US 5,300,373).

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Claim 24 recites:

An electrochemical cell, comprising:

a positive electrode folded in a zigzag configuration having folds and creases;

25 at least one bifold negative electrode having a first leg and a second leg, said first leg and said second leg disposed within a first and a second fold on the same side of the zigzag configuration of said electrode; and

an aqueous alkaline electrolyte

30 wherein said positive electrode comprises a nickel hydroxide material and/or said at least one negative electrode comprises a hydrogen storage alloy.

Claim 47 recites:

An electrochemical cell, comprising:

5 a negative electrode folded in a zigzag configuration having folds and creases;

10 at least one bifold positive electrode having a first leg and a second leg, said first leg and said second leg disposed within a first and a second fold on the same side of the zigzag configuration of said electrode; and

an aqueous alkaline electrolyte

wherein said at least one positive electrode comprises a nickel hydroxide material and/or said negative electrode comprises a hydrogen storage alloy.

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Fauvargue is directed to an alkaline polymer solid electrolyte. Fauvargue includes no teaching or suggestion of an electrode folded in a zigzag configuration and at 20 least one bifold counter-electrode disposed within a first and second fold on the same side of the zigzag electrode.

Shackle is directed to an electrochemical cell stack including a continuous laminate web having a continuous electrode layer, a continuous electrolyte layer, and a 25 plurality of discrete opposite polarity electrode segments secured on top of the electrolyte layer in predetermined locations. Shackle discloses that, in a preferred embodiment of the battery, the cathode material is a material such as vanadium oxide, V_6O_{13} . This is an example 30 of a lithium battery as shown in Table 36.10 of the Handbook of Batteries, Second Edition, David Linden, McGraw-Hill, Inc., page 36.19 (presented at the end of this

response). Shackle provides no teaching or suggestion of a nickel metal hydride battery chemistry. In particular, Shackle provides no teaching or suggestion that a nickel metal hydride battery chemistry may be used with the 5 particular electrode configuration disclosed.

In order for references to be properly combined there must be some suggestion or motivation to combine reference teachings. As noted, Faurvargue provides no teaching or suggestion of a folded configuration, and Shackle provides 10 to teaching or suggestion of nickel metal hydride batteries. Neither reference provides any teaching, suggestion or motivation that the references be combined. Hence, the combination is improper. The rejection of independent claim 24 (and dependent claims 27, 28, 31-33) 15 as well as independent claim 47 (and dependent claims 48-52) under 35 USC 103(a) as being unpatentable over Faurvargue in view of Shackle is improper and applicant request it be removed.

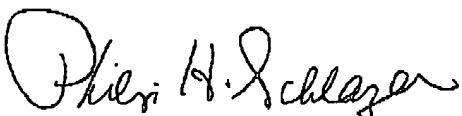
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SUMMARY

In view of the above amendments and remarks claims 24,
5 27, 28, 31, 32, 33, 38, 41, 42, 45, 46, 47 - 57 are in
condition for allowance. Applicant respectfully requests
reconsideration, removal of remaining objections and
rejections, and notification of allowance. Should the
10 Examiner have any questions or suggestions regarding the
prosecution of this application, he is asked to contact
applicant's representative at the telephone number listed
below.

15

Respectfully submitted,



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20 Reg. No. 42,127

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